

BOARD OF APPEALS CASE NO. 4720

BEFORE THE

APPLICANTS: DONALD & DAWN MILLER

ZONING HEARING EXAMINER

REQUEST: Variance to construct a sun
room and deck within the Natural Resources
District buffer; 312 Big mount Court,
Abingdon

OF HARFORD COUNTY

Hearing Advertised

Aegis: 6/18/97 & 6/25/97

HEARING DATE: August 13, 1997

Record: 6/20/97 & 6/27/97

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Donald and Dawn Miller, appeared before the Hearing Examiner requesting a variance to Sections 267-41(D)(6) and 267-41(D)(5)(e) of the Harford County Code, to construct a sun room within a Natural Resources District.

The subject parcel is located at 312 Bigmount Court in the First Election District. The parcel is identified as Parcel No. 443, in Grid 2-F, on Tax Map 56. The parcel contains .293 acres, more or less, all of which is zoned R1/COS.

Ms. Dawn Miller appeared and testified that the subject property is improved by a single-family dwelling occupied by the Applicants and their family. The witness said that she is proposing a 14 foot by 20 foot sun room and a 12 foot by 18 foot deck. The witness said the subject parcel is unique because of its shape, size and existence of the Natural Resource District. The Applicant said that if the variance is approved, the only area of disturbance will be for the foundation of the sun room and the post for the deck and that no existing trees will be disturbed. The Applicant also said that new trees and shrubbery around the addition will be installed.

No protestants appeared in opposition to the Applicant's request and the Staff Report of the Department of Planning and Zoning recommends approval and provides:

"The Department of Planning and Zoning received a letter from the Harford Soil Conservation District on June 10, 1997 indicating their agency had reviewed the request and had no comments on this issue (Attachment 10). On June 25, 1997, the Department received a letter from the Maryland Department of the Environment stating that they had reviewed the issues and had no comments (Attachment 11)."

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CONCLUSION:

The Applicants are requesting a variance to Sections 267-41(D)(6) and 267-41(D)(5) to construct a sun room within the Natural Resource District. Section 267-41(D)(6) provides:

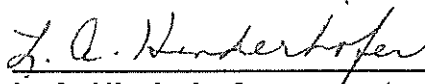
"Variances. The Board may grant a variance to Subsection (D)(3), (4) or (5) of the Natural Resource District regulations upon a finding by the Board that the proposed development will not adversely affect the Natural Resource District. Prior to rendering approval, the Board shall request advisory comments from the Zoning Administrator, the Soil Conservation Service, and the Department of Natural Resources."

As indicated, the Staff Report of the Department of Planning and Zoning recommends conditional approval and the Soil Conservation District (Attachment 10) and the Maryland Department of the Environment (Attachment 11) both indicated they had no comments on the Applicants' request.

It is the finding of the Hearing Examiner that the Applicants' request will not adversely affect the Natural Resource District. Therefore, it is the recommendation of the Hearing Examiner that the Applicants' request be approved, subject to the following conditions:

1. The Applicants obtain all necessary permits and inspections.
2. The Applicants submit a landscaping plan to the Department of Planning and Zoning for review and approval.

Date AUGUST 25, 1997



L. A. Hinderhofer
Zoning Hearing Examiner